SB 5 INTRODUCED BY WELDON

PROHIBIT THE SEEKING OF SIGNATURES FOR A PROPOSAL TO PLACE A BALLOT ISSUE ON THE BALLOT AT A FUTURE ELECTION IN OR WITHIN 200 FEET OF A POLLING PLACE ON AN ELECTION DAY

12/15	INTRODUCED		
1/02	FIRST READING		
1/02	REFERRED TO STATE ADMINISTRATION		
1/10	HEARING		
1/12	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE FOR 45TH DAY DIED IN COMMITTEE		

SB 6 INTRODUCED BY CRIPPEN

MAKE PERMANENT PROVISION SETTING NUMBER OF ASSOCIATE JUDGES ON MONTANA SUPREME COURT AT SIX

BY REQUEST OF JUDICIAL UNIFICATION AND FINANCE COMMISSION

12/15	INTRODUCED		
12/23	FISCAL NOTE REQUESTED		
1/02	FIRST READING		
1/02	REFERRED TO JUDICIARY		
1/05	FISCAL NOTE RECEIVED		
1/05	FISCAL NOTE PRINTED		
1/10	HEARING		
1/10	COMMITTEE REPORT—BILL PASSED		
1/12	2ND READING PASSED	49	0
1/13	3RD READING PASSED	45	1
	TRANSMITTED TO HOUSE		
1/14	FIRST READING		
1/14	REFERRED TO JUDICIARY		
1/19	HEARING		
1/20	COMMITTEE REPORT—BILL CONCURRED		
1/21	2ND READING CONCURRED	89	10
1/23	3RD READING CONCURRED	87	8
	RETURNED TO SENATE		
1/24	SIGNED BY PRESIDENT		
1/25	SIGNED BY SPEAKER		
1/26	TRANSMITTED TO GOVERNOR		
1/27	SIGNED BY GOVERNOR CHAPTER NUMBER 15 EFFECTIVE DATE: 01/27/95		

SB 7 INTRODUCED BY KLAMPE

CLARIFY TOLLING OF APPLICABLE STATUTES OF LIMITATIONS RELATED TO MEDICAL MALPRACTICE CLAIMS

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON INSURANCE ISSUES

12/15	INTRODUCED		
1/02	FIRST READING		
1/02	REFERRED TO JUDICIARY		
1/06	HEARING		
1/06	COMMITTEE REPORT—BILL PASSED		
1/07	2ND READING PASSED	41	0
1/09	3RD READING PASSED	47	0
	TRANSMITTED TO HOUSE		
1/10	FIRST READING		
1/10	REFERRED TO JUDICIARY		
1/17	HEARING		

SENATE BILL NO. 6

INTRODUCED BY CRIPPEN

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE PROVISION SETTING THE NUMBER OF ASSOCIATE JUSTICES ON THE MONTANA SUPREME COURT AT SIX; REPEALING SECTION 5, CHAPTER 683, LAWS OF 1979; AND SECTION 1, CHAPTER 362, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Repealer.** Section 5, Chapter 683, Laws of 1979, and section 1, Chapter 362, Laws of 1987, are repealed.

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0006, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
This bill makes permanent the provision setting the number of associate justices on the Montana Supreme Court at six.

ASSUMPTIONS:
1. Section 1, Chapter 362, Laws of 1987 extended the sunset provision for the two temporary associate justice positions on the Supreme Court until the first Monday of January, 1997. At that time, the number of associate justices authorized will revert to four from the present six. This bill will repeal the sunset provision and retain positions that would otherwise be eliminated midway through fiscal 1997.
2. It is assumed that, in the absence of this bill, 2.00 FTE associate justices, 4.00 FTE law clerks, and 1.00 FTE paraprofessional staff will be eliminated for the last six months of fiscal 1997. This would amount to a reduction of 3.50 FTE (7.00 FTE X 6/12). **These FTE were funded for the full year in fiscal 1997 in the Governor's Executive Budget in accordance with the Judiciary request and 17-7-122(3), MCA, but it is assumed that the general appropriations act will be reduced accordingly in the absence of passage and approval of this bill.**
3. Operating expenses are estimated to decrease in fiscal 1997 on the basis of one-half of the direct operating expenses in the Governor's Executive Budget for two of the seven justices.

FISCAL IMPACT:

Expenditures:

	FY96 Difference	FY97 Difference
Supreme Court Operations:		
FTE	0.00	3.50
Personal Services	0	150,801
Operating Expenses	0	2,428
Total	0	153,229
General Fund (01)	0	153,229

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
A permanent reduction in the number of associate justices is estimated to reduce general fund expenditures by over $300,000 each year.

Dave Lewis 1-5-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Bruce D Crippen 1-5-95
BRUCE CRIPPEN, PRIMARY SPONSOR DATE

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 6

INTRODUCED BY CRIPPEN

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE PROVISION SETTING THE NUMBER OF ASSOCIATE JUSTICES ON THE MONTANA SUPREME COURT AT SIX; REPEALING SECTION 5, CHAPTER 683, LAWS OF 1979, AND SECTION 1, CHAPTER 362, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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SENATE BILL NO. 6

INTRODUCED BY CRIPPEN

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE PROVISION SETTING THE NUMBER OF ASSOCIATE JUSTICES ON THE MONTANA SUPREME COURT AT SIX; REPEALING SECTION 5, CHAPTER 683, LAWS OF 1979, AND SECTION 1, CHAPTER 362, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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SENATE BILL NO. 6

INTRODUCED BY CRIPPEN

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE PROVISION SETTING THE NUMBER OF ASSOCIATE JUSTICES ON THE MONTANA SUPREME COURT AT SIX; REPEALING SECTION 5, CHAPTER 683, LAWS OF 1979, AND SECTION 1, CHAPTER 362, LAWS OF 1987; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BRUCE CRIPPEN**, on January 10, 1995, at 10:00 a.m.

ROLL CALL

Members Present:
Sen. Bruce D. Crippen, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Lorents Grosfield (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Linda J. Nelson (D)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Council
Judy Feland, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SJR 3, SB 6
Executive Action: SB 6, SB 13

{Tape 1; Side A}

HEARING ON SJR 3

Opening Statement by Sponsor:

SENATOR STEVE BENEDICT, SD 30, Hamilton, introduced SJR 3, entitled, "A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging Congress to recognize States' Rights under the 10th Amendment of the Constitution of the United States."

The bill is the first step, **SENATOR BENEDICT** said, in re-asserting states' rights guaranteed to the states by our

SENATOR BENEDICT agreed to get some information for **SENATOR BARTLETT** that he'd read: The Federalist Papers, Hamilton, Madison, and the framers of the Constitution and their intent in creating federal powers.

SENATOR BARTLETT interjected that the people created the Constitution, the federal government and the states, not that the states created the federal government.

SENATOR BENEDICT told the committee that this legislation is modeled after bills already passed in six or seven states and is currently before about four state legislatures. He said possibly we should put "people" in there instead of "states." We are trying to frame some continuity to all the resolutions that passed in the different states having the exact same language, as far as the impact on federal government, he said.

SENATOR STEVE DOHERTY asked the Senator to identify the term "We", to which **SENATOR BENEDICT** pointed to himself in conjunction with other legislators that are proposing this resolution.

SENATOR DOHERTY asked the Senator about ISTEA (Intermodal Surface Transportation Efficiency Act of 1991) and the fact that Montana gets quite a bit of money for state highways which is a pretty well-funded federal mandate. Are you opposed to this and all federal mandates, he asked, or just unfunded mandates?

SENATOR BENEDICT responded that he would like us to be able to decide how and when we will comply with each section of a federal mandate that we think usurps the power of the states to govern themselves and to control their own destiny.

SENATOR LINDA NELSON asked if the bill counterpart heard in U.S. Congress addresses mandates that have already passed?

SENATOR BENEDICT said he was not familiar with the bill, but he has other bills to be heard before this committee that will go into greater detail and will provide some executive power for the executive branch and the governor to decide which federal mandates are to be complied with. This, he said, is the first step in the process.

Closing by Sponsor:

SENATOR BENEDICT closed without further remarks.

HEARING ON SB 6

SENATOR CRIPPEN relinquished the chair to **VICE CHAIRMAN BISHOP.**

Opening Statement by Sponsor:

SENATOR CRIPPEN, SD 10, Billings, introduced SB 6 entitled, "an

act making permanent the provision setting the number of Associate Justices on the Montana Supreme Court at six; repealing Section 5, Chapter 683, Laws of 1979 and Section 1, Chapter 362, Laws of 1987; and providing an immediate effective date."

SENATOR CRIPPEN told the committee that Article 7, Section 3 of the Montana Constitution provides the Supreme Court with one Chief Justice and four associate justices. That provision also delegates power to the legislature to increase the number of associate justices from four to six, he said. Title 3, Chapter 2, Part 1 of the codes provides for six justices. This was enacted in 1979 with an 8-year sunset. Once a judge is elected, he said, the legislature may not enact laws which eliminate a judge's term.

SENATOR CRIPPEN told the committee that in 1987 the legislature extended the sunset provision that would put the bill back to four justices. In 1979, he said, the legislature was persuaded by arguments that the caseload of the Supreme Court was sufficient enough and that in the interest of justice, there should be 6 associates justices on the court. Also, he explained, when the legislature feels it's not sure of their control of the situation, they put a "hooker" on the legislation called a sunset provision, which was enacted.

This bill, he said, would make permanent the provision setting the number of associate justices on the Montana Supreme Court at six and would repeal the sunset provisions.

SENATOR CRIPPEN urged a favorable ruling on this important bill with far-reaching consequences.

Proponents' Testimony:

The Honorable Chief Justice Jean Turnage of the Montana Supreme Court presented a written statement **(EXHIBIT 1)** in support of SB 6 and spoke at some length.

Chief Justice Turnage gave the committee a review of the history of the Montana Supreme Court. He said that in 1889, Article 8, Section 5 was adopted that said the Supreme Court should consist of three justices. The legislature had the power to increase the number to not less or more than five. That same basic pattern is found in the law as it exists today. Article 8, Section 8, provided in the 1889 Constitution said that there shall be elected at the first general election one Chief Justice and two associate justices.

Thirty years later, the **Chief Justice** said, in 1919, in Chapter 31 of the extraordinary session laws, the legislature provided that the Supreme Court shall consist of a Chief Justice and four associate justices.

Fifty-three years thereafter, he explained, the people of Montana adopted the 1972 Constitution. Article 7 of Section 3 provided that the Supreme Court consist of one Chief Justice and four justices, but the legislature may increase the number of justices from four to six. Seven years after that adoption, the legislature enacted Chapter 683 which said the Supreme Court shall consist of a Chief Justice and six associate justices. This legislation was to sunset on the first Monday of January of 1989 and the number of associate justices would return to four.

The **Chief Justice** further narrated the history. He said that in 1987 the legislature enacted Chapter 362 that extended the six associate justices of the court but again, sunset the extension. And he related that unless the 1995 passes SB 6, the Supreme Court will revert to one Chief Justice and four associate justices, a five member court.

There is no question, the **Chief Justice Turnage** contended, that the loss of two justices on the Supreme Court would result in a serious impairment of the administration of justice in Montana. The court caseload has not decreased. The caseload in 1979 when the two additional justices were authorized increased dramatically until 1987 when the two revisional justices were continued. And from 1987 to 1994 the caseload again saw an increase, as we are presently faced today in court.

Each of the seven justices on the court today, he said, has an identical case load as in 1979 when the court had five justices. In 1979 approx. each of the five justices had 96 cases. In 1994 each justice has about 91 cases. The only way the court can stay even with the cases each year is to conference and process cases every Tuesday and Thursday of the year. And on other court days the court must work diligently to keep pace with the pressure of caseloads and process those cases, many justices working more than eight hours a day and evenings.

Loss of two justices would certainly result in a delay at the Supreme Court in processing appellate cases. Delay would increase by at least one-third, he predicted.

Article 2, Section 10 of the Constitution provides that courts of justice shall be open to every person and speedy remedy granted, he told the committee members. Failure to meet this constitutional guarantee would mean a failure of justice and a form of rationing justice; a result totally unacceptable to the people of Montana.

The failure to resolve litigation is costly, recounted the Chief Justice. The extra public expense, the expense of the litigants and also the cost of human stress clouds the lives of litigants until litigation is resolved. Also, he added, if any party in a lawsuit has been awarded compensation, they should not be required to wait intolerable lengths of time. Likewise, he noted, interest runs at 10 per cent per anum until the process is

completed.

In the social areas of the law, such matters as child custody, placement of children in foster homes and adoption matters appear before the court on a regular basis, he reported. These matters should never be delayed, he said, because the lives of those involved continue to be thrown into turmoil. There are hundreds of other examples, he told the membership, where delay would be unacceptable.

The **Chief Justice** stated that sunset of this legislation is not needed, but legislation is needed creating a seven-member court.

Chief Justice Turnage submitted that any time the legislature should find that the workload of the court does not require seven members, the legislature could reduce the number to not less than five. The term "permanent" is not constitutionally mandated to seven. The reduction is not a constitutional prohibition, he said.

It was his hope, he said, that the legislature did not take away part of the our judicial system.

Joe Mazurek, Attorney General, State of Montana, appeared in support of SB 6. As the state's chief legal officer and the head of the Department of Justice, he said he had a critical interest in this bill. The state appears more often than any other parties before the Supreme Court he contended, and maintained that it is in their interest and that public demands that those cases be considered promptly and sentences be handed out in a timely manner. Another important aspect of keeping a seven-member court is the reassurance that the court has the resources that the justices need to carefully consider decisions before it. If we don't allow the court to keep up with its cases, the result would be less well-reasoned decisions, and that in itself breeds more litigation as a result, the Attorney General argued. He strongly urged the committee to support the bill to make permanent the seven-member court.

Eric Feaver, arising as a member of the Governor's Task Force to Renew Government, assured the committee that their group considered the size of the court and unanimously concluded that it should be retained at seven. He assured the committee of their support.

Bob Phillips, president of the State Bar of Montana, spoke in favor of the bill. He felt that if the number of justices were reduced to five, the ability of the court to render decisions as is constitutionally required would be reduced by over 25 percent. A delay is a denial of justice, he attested, and an evil we need to avoid. If delay is available to the parties by simply filing an appeal, he contented, then more appeals will be filed. He urged elimination of the sunset provision from current statutes,

because he was concerned that the potential existed to hold justices six and seven more subject to political pressures.

The main thrust of his contention, he said, was the constitutional duty of the court: the duty to regulate the practice of law. That burden on the court, to regulate the attorneys in the state, has increased along with the caseload facet and will continue, he predicted. In 1979, he quoted, there were 1,800 members of the state bar practicing, needing regulation and discipline. There are now 3,100 members. The Supreme Court is responsible to see that regulation is fair, swift, and certain.

The reasons that the court was increased to seven members in 1979 still exist today, he vowed. He asked that this seven-member court ruling continue.

Russell Hill, representing the Montana Trial Lawyers, approximately 450 Montana attorneys supported the bill. He was concerned about the potentially illusory savings outlined in the fiscal note. A seven-member Supreme Court is capable of more thoroughly evaluating the critical diversity of important and sometime watershed appeals and in making coherent and consistent precedents. The law is clear, he resolved, when you minimize ambiguities, you minimize litigation.

Secondly, he recounted, a seven-member court is less vulnerable to shifting directions with each departing or new justice. One-seventh is less influential than one-fifth, he added and also provided more stability.

His third argument was that a seven-member court takes advantage of the savings that are already built in to the judicial infrastructure. There are certain costs of facilities and equipment for the Supreme Court and seven members simply takes better advantage, he contended.

Gordon Morris, Director of the Montana Association of Counties urged a favorable consideration of the bill.

Marshal Mickelson, representing the Montana Defense Trial Lawyers, an organization of over 300 defense attorneys, supported SB 6. Nothing, he professed, could be more troubling for an individual or a small businessman than pending litigation, particularly the uncertainties of time. The Supreme Court does an excellent job now, he affirmed, in meeting self-imposed deadlines and with the removal of two members, the caseload would increase by 28 percent.

Jim Rice, Helena, spoke in favor of the bill. He represented the Judicial Unification and Finance Commission. He said their organization believes in establishing a permanent seven-member Supreme Court, a vital importance to prompt delivery of judicial services.

Bob Gilbert, representing the Montana Magistrates' Association, supported SB 6.

The Hon. James C. Nelson, MT Supreme Court Justice, presented written testimony **(EXHIBIT 2)** and spoke to the committee. He expressed unqualified support for SB 6 and the retention of a seven-member court. He expressed his concern about the adverse effects of the court if positions five and six were eliminated. Without this measure, he warned, a serious delay in the resolution of cases would occur.

Joe Mazurek, Attorney General, spoke for John Connor of the Montana County Attorneys' Association and affirmed their support for this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

SENATOR CRIPPEN observed that we seem to be a "law and order" mode in this legislature. Folks are home seem to be saying we need more law and order, he said, and that does not come without the price of increased caseloads. Caseloads will not decrease, he argued, with the sunset, but in fact, increase.

SENATOR CRIPPEN felt it was time that the legislature give up its hold on the Supreme Court in the form of a sunset provision. They would still have authority, he alleged, under the Constitution to reduce the number of justices back down to four if they so choose. The Senator said that the legislature would not really be relinquishing anything from the Constitution from that standpoint.

SENATOR CRIPPEN reassumed the chair.

EXECUTIVE ACTION ON SB 6

Motion: **SENATOR BARTLETT MOVED THAT SB 6 DO PASS.**

Discussion: **SENATOR HALLIGAN** raised a point discussed by himself and **SENATOR BISHOP.** He said that the Supreme Court, unlike the U. S. Supreme Court, cannot turn down cases, so that no matter how frivolous, all cases can be appealed to the Supreme Court. So essentially, he argued, they cannot control their workload so if justices were reduced, due process rights would be violated without the guarantee of a speedy disposition. The extra two

members of the court allows the diversity to better reflect Montana, he said. He supported the motion.

Vote: The motion passed unanimously on oral vote.

EXECUTIVE ACTION ON SB 13

Motion: **SENATOR HALLIGAN MOVED TO TABLE SB 13.**

Discussion: **SENATOR HALLIGAN** asked for this motion to give him some time for further work on this bill. He realized that the bill could affect the insurance rates of younger people which was not his intent in the measure. The bonds people also have a problem with the bill, he reported. He was concerned about the adoption of the proper public policy.

Vote: The motion **PASSED UNANIMOUSLY** on an oral vote.

1

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 1-10-95

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN, CHAIRMAN	✓		
LARRY BAER	✓		
SUE BARTLETT	✓		
AL BISHOP, VICE CHAIRMAN	✓		
STEVE DOHERTY	✓		
SHARON ESTRADA	✓		
LORENTS GROSFIELD	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
LINDA NELSON	✓		

SEN:1995
wp.rollcall.man

SENATE STANDING COMMITTEE REPORT

January 10, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB6 (first reading copy -- white), respectfully report that SB6 do pass.

Signed: _____
Senator Bruce Crippen, Chair

Amd. Coord.
Sec. of Senate

SB 6

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 1-10-95
BILL NO. SB6

THE SUPREME COURT OF MONTANA

JAMES C. NELSON
JUSTICE

JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5570

1
1-10-95
SB6

Testimony in Support, Senate Bill No. 6
Honorable James C. Nelson
Justice, Montana Supreme Court

January 10, 1995

Mr. Chairman and Members of the Committee:

I speak for the entire Montana Supreme Court in offering my unqualified support for Senate Bill No. 6 which, if enacted, will retain the seven member Court and make seats 5 and 6 permanent seats. In doing so, I do not wish to appear disingenuous; I presently hold seat 5, and would, of course, forfeit my position on the Court if the 1995 Legislature fails to retain the seats.

Notwithstanding my personal interest in this legislation, I am, however, more concerned about the adverse effects on the operations of the Court and on the administration of justice in this State if the two seats are not retained.

In 1978, the year that the legislature enacted the law that added seats 5 and 6, there were 481 filings in the Court and 323 opinions issued. With five members on the Court that averaged 96 cases and 64.6 opinions per justice per year. [1]

In 1981, the first year of the seven member Court, there were 574 filings and 298 opinions issued, averaging 82 filings and 42.6 opinions per justice.

In 1987, the year that the legislature extended the sunset for seats 5 and 6, there were 571 filings, again averaging 82 per justice.

In 1993, there were 659 filings or an average of 94 per justice and 437 opinions issued or 62.4 per justice. That is slightly more than one opinion per justice per week.

---

[1] Statistical information in the following five paragraphs was obtained from the Annual Judicial Reports for the years in question and from information in the Supreme Court Administrator's Office.

In 1994, there were 634 filings or 91 per justice and 368 opinions issued or 53 per justice, again slightly more than one opinion per justice per week.

From those numbers it is obvious that the Supreme Court, with seven members, is now dealing with nearly the same volume of cases per justice as that which necessitated **adding** two seats to the Court in 1979. It is also obvious that the total number of filings and opinions and the average of each per justice has and continues to trend upward. There is no reason to believe that the trend will reverse itself; to the contrary, there is every reason to believe that the trend will, in all likelihood, continue with an ever increasing caseload being imposed on the members of Montana's only appellate Court.

That brings me to my greatest concern. Article II, Section 16 of our Montana Constitution guarantees to the people of this State that,

> [c]ourts of justice shall be open to every person, and **speedy** remedy afforded for every injury of person, property, or character. . . . Right and justice shall be administered without sale, denial, **or delay**. (Emphasis added).

I doubt that anyone would seriously argue that there is no limit to the number of cases that each member of the Court can reasonably deal with and still produce quality work product. I respectfully submit that the Court, as it was in 1979, is about at that limit now. I believe that, presently, we are efficiently processing an ever increasing case load and are issuing timely, accurate and well-reasoned opinions.

Based on 1993 filings and opinions, if those were being handled by a five member court, that would average 132 filings and 87 opinions per justice. That, quite simply, is too much.

If the seven member Court is not retained, however, that will not continue to be the case. One or another aspect of the Court's operations is going to suffer, either in terms of the quality or the timeliness of our work product. Since I do not believe that the members of the Court will countenance turning out shoddy work, the result of not retaining the two seats will most assuredly be substantial delays in issuing orders and opinions and, perhaps, summary disposition of cases that, otherwise, might deserve more thorough review.

Reducing the seven member Court to five members will increase the time that cases are on appeal by at least 33%; will delay the

EXHIBIT 1
DATE 1-10-95
SB 6

collection of judgments by litigants; will increase the amount of interest accruing on judgments; will seriously delay the resolution of criminal cases, domestic relations actions and child custody matters; and will deny litigants in Montana their right guaranteed by Article II, Section 16 of our Constitution. That quite simply is not acceptable.

Accordingly, it is with those facts and concerns in mind that I urge this Committee to favorably consider Senate Bill No. 6 and to make permanent seats 5 and 6.

Thank you for this opportunity to address this committee and to express my thoughts on this subject.

Respectfully,

James C. Nelson
Justice

Senate Bill 6
January 10, 1995

MONTANA SUPREME COURT CASELOAD

YEAR	TOTAL FILINGS	CASE PER JUDGE
1970	194	39
1971	198	40
1972	230	46
1973	243	49
1974	265	53
1975	301	60
1976	408	82
1977	469	94
1978	516	103
1979	481	96
1980	490	98
1981	574	82
1982	522	75
1983	561	80
1984	567	81
1985	639	91
1986	602	86
1987	571	82
1988	628	90
1989	633	90
1990	633	90
1991	636	91
1992	627	90
1993	659	94
1994	634	91

EXHIBIT NO. 2
DATE 1-10-95
BILL NO. SB6

Article VII, §3 of the 1972 Constitution provides the basic organization of the Supreme Court:

> "The supreme court consists of one chief justice and four associate justices, but the legislature may increase the number of justices from four to six. ..."

The 1979 legislature enacted legislation [§2 Ch. 683, L. 1979] which increased the number of associate justices to 6. Those justices were first elected in 1980 and took office in 1981. The legislation -- codified as § 3-2-101 -- was to automatically terminate or sunset on the first Monday in January 1989, at which time the number of associate justices would revert to 4. [§5].

In 1987 the legislature enacted legislation to amend the 1979 law [§1, Ch. 362, L. 1987] to extend the sunset provision of the law to the first Monday in 1997 -- January 6, 1997.

Thus, unless the legislature in the 1995 session again extends the sunset or makes the two seats permanent altogether, the court will lose seats 5 and 6 on January 6, 1997, and the court will, again, become a 5 member court consisting of one chief justice and 4 associate justices.

Historic Workload Stats (from legislative history exhibits presented to the Senate Judiciary Committee on SB 161, 1987)

year	new filings	opinions issued	
1979	481 /96 p/j	323	year legislation enacted
1981	574 /82 p/j	298	1st year of 7 member ct.
1987	571 /82 p/j		1st sunset extended
1992	627 /90 p/j	340	
1993	659 /94 p/j	437	
1994	634 /91 p/j	368	most recent year

Note detail on 1993 stats on attached from 1993 Judicial Report and detail on 1994 report of opinions handed down.

If we use 1993 figues on the basis of a 5 member court that works out to be:

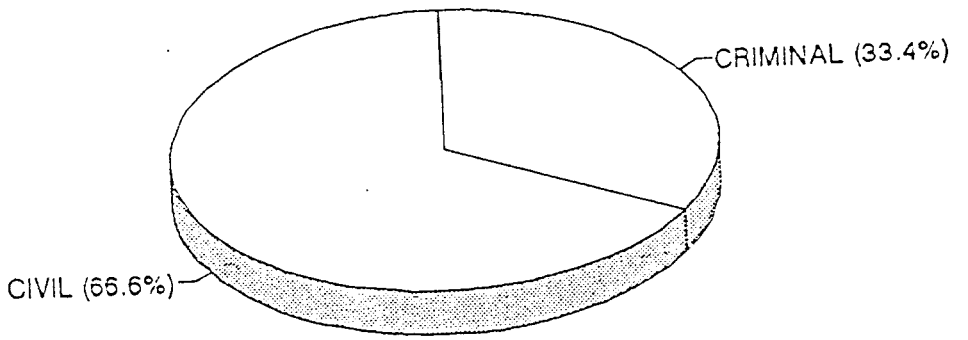
132 filings per justice per year
87 opinions per justice per year (better than 1.6 opinions per week per justice).

That works out to be 28% more filings and filings per justice than when the 7 member court legislation was originally enacted in 1979.

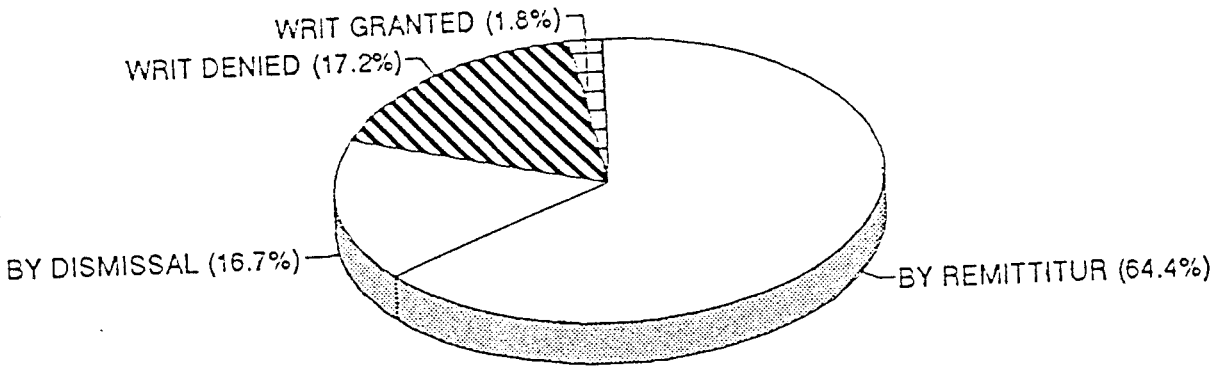
EXHIBIT 2
DATE 1-10-95
SB 6

SUPREME COURT CASELOAD STATISTICS

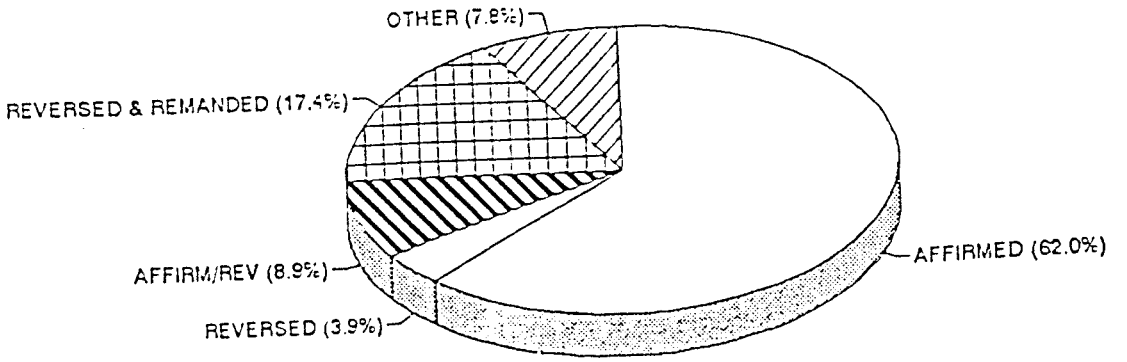
FY 93 CASE TYPE FILINGS



FY 93 DISPOSITIONS

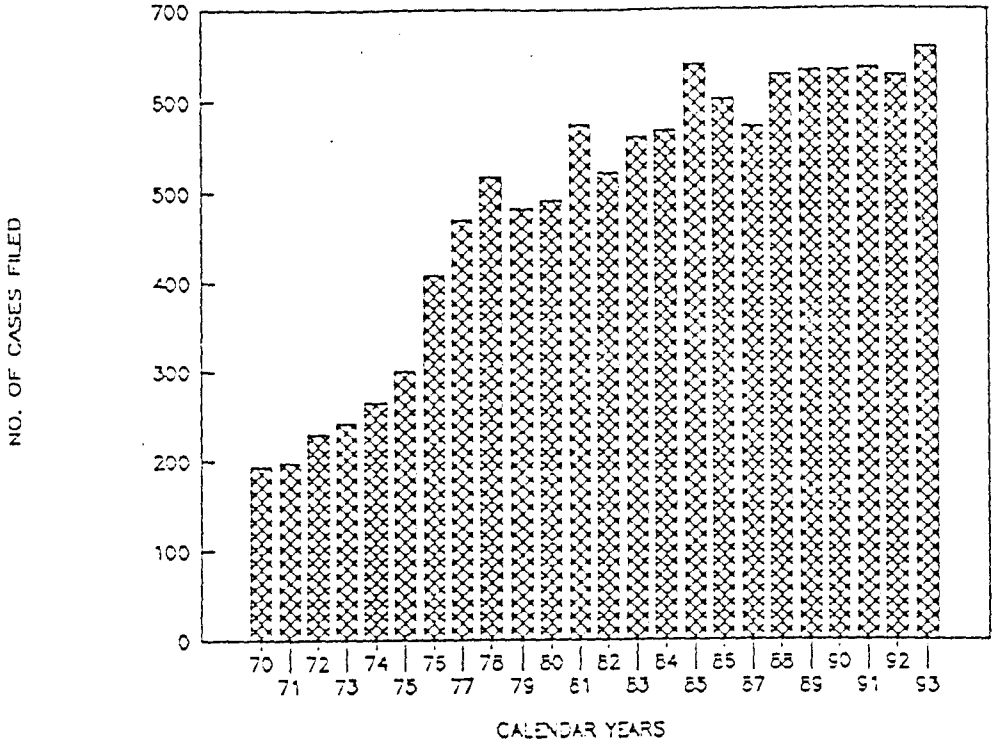


FY 93 FORMAL OPINIONS ISSUED



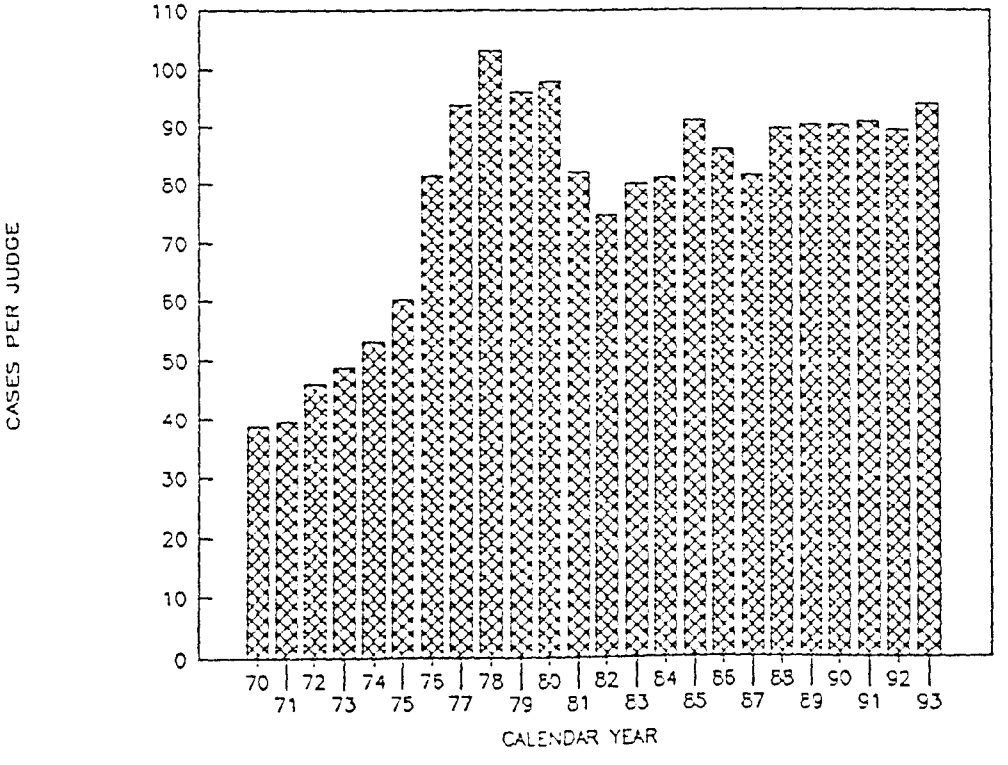
MONTANA SUPREME COURT

CASES FILED PER CALENDAR YEAR



MONTANA SUPREME COURT

CASE FILINGS PER JUDGE 1970 – 1993 ·



DATE 1-10-95

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SJR 3 SB 6

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Eric Feaver	Gov's Task Force to Renew Govt	SB6	X	
[signature]	Governor's Office	SJR	X	
Joe Roberts	MT. City Att'ys Assoc	SJR	X	
Tammy Johnson	CURE	SJR3	✓	
Marilyn Bartlett	Golden Sunlight Mine	SJR3	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1-10-95

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SJR 3, SB 6

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
Jim Rice	Judicial Qualifications + Finance Commission	SB6	✓	
Russell Bilo	MT Trial Lawyers	SB6	✓	
ROBERT J. PHILLIPS	STATE BAR OF MT	SB6	✓	
Hon. JAMES C. NELSON	SUPREME COURT	SB6	✓	
JIM TUTWILER	MCC	SJR3	✓	
Marshal Mickelson	Montana Defense Trial Lawyers	SB6	✓	
J. A. Turnage	Sup Ct.	SB6	✓	
Laurie Koutnik	Christian Coalition of M	SJR3	✓	
Joe Mazurek	Atty General MT Co. Attys Assn	SB6	✓	
Bob Gilbert	MT. Magistrates Assn	SB6	✓	
Gordon Morris	MAG SJ3 SB6		✓	
Russ Ritter	Wash Corp SJ3	SJ3	✓	
Don Allen	Mt. Wood Products Assn	SJR3	✓	
Mike Murphy	MT. WATER RES. ASSN.	SJR3	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BOB CLARK**, on January 19, 1995, at 8:05 AM.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Shiell Anderson, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Bill Carey (D)
Rep. Aubyn A. Curtiss (R)
Rep. Duane Grimes (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Brad Molnar (R)
Rep. Debbie Shea (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)
Rep. Cliff Trexler (R)

Members Excused: NONE

Members Absent: NONE

Staff Present: John MacMaster, Legislative Council
Joanne Gunderson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	SB 6, HB 150, HB 198
Executive Action:	SB 6 BE CONCURRED IN
	HB 69 DO PASS AS AMENDED

{Tape: 1; Side: A}

HEARING ON SB 6

Opening Statement by Sponsor:

SEN. BRUCE CRIPPEN, SD 10, began the hearing on SB 6 by outlining the intent of the bill which would repeal the sunset clause to the action of the legislature in 1979 and again in 1987 which added two justices to the Montana Supreme Court. The caseload increase which brought about this addition to the Supreme Court has not abated and this bill seeks to repeal the sunset clause and make the number sitting on the Montana Supreme Court six associate justices plus one chief justice. Should the caseload be reduced or should some other reason arise for a reduction of the court, the legislature has that authority through the 1972 Constitution by article 7, section 3.

Proponents' Testimony:

Chief Justice Jean Turnage spoke in support of SB 6 and submitted his written testimony. **EXHIBIT 1**

Honorable James Nelson, Justice, Montana Supreme Court, provided the committee with written testimony containing statistics for the court which supports the continued need for the additional justices. **EXHIBIT 2**

Honorable Karla Gray, Justice, Montana Supreme Court, appeared as a proponent of SB 6. She said this bill was not about judges and certainly not about lawyers, but it was about the people of Montana including the businesses, ranches, schools and other entities of Montana which would have to wait for rulings on their cases and concerns.

Chris Tweeten, Chief Deputy Attorney General, represented the Attorney General in his strong support of SB 6.

John Connor, Montana County Attorneys Association, said the passage of this bill would be imperative for the continued maintenance of a workable and healthy criminal justice system.

Robert Phillips, President, State Bar of Montana, spoke on behalf of the attorneys of Montana who support this bill and gave their reasons which reflect previous testimony relating to the requirements of the Montana Constitution which promote the workload for the Supreme Court of this state.

Jim Rice, Judiciary Unification and Finance Commission (JUFC), voiced his support of SB 6 and the recommendation of JUFC for its passage.

Gordon Morris, Director, Montana Association of Counties (MACO), lent MACO's support of JUFC's recommendations concerning SB 6.

Jacqueline Lenmark, State Bar of Montana, urged the committee to concur in the passage of SB 6.

Bob Gilbert, Montana Magistrates Association, spoke especially in favor of eliminating the sunset clause from this bill to reduce the cost of the legislation process to keep the court at this level.

Jerome Anderson, Attorney, felt that it would be detrimental to the general public and the judicial court system to revert to a smaller court.

Stuart Kellner, Montana Defense Trial Lawyers, joined the previous proponents in support of SB 6.

Russell Hill, Montana Trial Lawyers Association, supported the bill.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Counter: 33.5}

REP. LOREN SOFT asked why the Montana Supreme Court cannot deny cases on appeal.

Justice Nelson answered that constitutionally they are required to decide all cases submitted to the Supreme Court and required to decide them by written opinion.

REP. SOFT asked what would happen if that were to be changed.

Justice Nelson said it would allow the court some ability to screen cases to determine which cases would actually be decided by issuing an opinion after hearing oral arguments. Montana is one of 14 states which does not have an intermediate appellate court. Often intermediate appellate courts screen the cases. He said that though this might provide them with the ability to not issue written opinions on each case, the cases would still have to be read, screened and a decision made as to whether or not they would be dealt with by way of written opinion. It would reduce the workload somewhat.

REP. SOFT asked if the states with intermediate appellate courts have a situation where the Supreme Court can deny on appeal.

Justice Nelson could not answer the question specifically. Generally the function of intermediate courts is to act as a screening mechanism. Statistically when a state gets to a population of about one million, and the filings of the highest

appellate court level reach 800, intermediate appellate court structures are established.

REP. DANIEL MC GEE asked how many cases are appealed by prisoners who are represented by law students.

Justice Nelson said he had not seen any prisoner appeals per se by law students. They include prisoner appeals which are handled by attorneys or post conviction relief cases which are usually handled pro se.

REP. MC GEE asked how many of those cases the Supreme Court has to deal with on an annual basis.

Justice Nelson said he could not quote an accurate number but in 1993 about 33%+ were criminal cases of which a rough estimate of 10% were prisoner pro se post conviction relief.

Closing by Sponsor:

SEN. CRIPPEN commended the bill to the committee for its passage.

EXECUTIVE ACTION ON SB 6

Motion: REP. SHIELL ANDERSON MOVED SB 6 BE CONCURRED IN.

Discussion: REP. WILLIAM BOHARSKI asked what the Montana Supreme Court caseload is in comparison to other state Supreme Court caseloads.

Justice Nelson answered, without objection from the committee, it was his understanding from his study of a publication supplied by the State Court Institute that the Montana Supreme Court handles on an average-per-judge basis as high or higher than any other appellate court in the United States. Federal appellate court judges are responsible for about 30 opinions per year per judge. Montana Supreme Court caseload on a per judge basis is 50 - 60 per year.

Vote: The motion carried unanimously 19 - 0.

REP. ANDERSON will carry SB 6 on the House floor.

HEARING ON HB 150

Opening Statement by Sponsor:

REP. CHRIS AHNER, HD 51, said that HB 150 gives judges more control in placement of youth.

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL DATE 1/19/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓ late		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		

HOUSE STANDING COMMITTEE REPORT

January 19, 1995

Mr. Speaker: We, the committee on **Judiciary** report that **Senate Bill 6** (third reading copy -- blue) **be concurred in**.

Signed: Bob Clark

Bob Clark, Chair

Carried by: Rep. Anderson

1/19

Committee Vote:
Yes 19, No 0.

161521SC.Hbk

EXHIBIT 1
DATE 1/19/95
SB 6

STATEMENT OF JEAN A. TURNAGE
Chief Justice of the Montana Supreme Court
In Support Of Senate Bill 6

Mr. Chairman, members of the House Committee on the Judiciary. My name is Jean A. Turnage, and I appear here as Chief Justice of the Montana Supreme Court.

I respectfully submit this statement on behalf of the Judiciary of the State of Montana in support of Senate Bill 6.

A brief review of the Montana Supreme Court is appropriate.

1889 Const., Art. VIII, Sec. 5 -- The Supreme Court shall consist of three justices . . . the legislature shall have the power to increase the number to not less nor more than five.

Art. VIII, Sec. 8. -- There shall be elected at the first general election one chief justice and two associate judges.

Thirty years later in . . . 1919, by Chapter 31, Ex. L. of 1919, the legislature provided that . . . The Supreme Court shall consist of a chief justice and four associate justices.

Fifty-three years later the people of Montana adopted the 1972 Constitution and

Art. VII, Sec. 3, provides the Supreme Court consists of one chief justice and four justices, but the legislature may increase the number of justices from four to six.

Seven years later the legislature enacted Chapter 683, Laws of 1979, that provided . . . The Supreme Court consists of a chief justice and six associate justices. (This legislation was to sunset on the first Monday of January 1989 and the number of associate justices would revert to four.)

In 1987 the legislature enacted Chapter 362, Laws of 1987 . . . and extended the six associate justice court -- but again sunset the extension. Unless the 1995 legislature passes Senate Bill 6, the Supreme Court will revert to one chief justice and four associate justices -- a five-member Court.

There is no question that a loss of two justices on the Supreme Court would result in a serious impairment to the

EXHIBIT 1
DATE 1-19-95
SB 6

administration of justice in Montana -- the Court case load has not decreased.

Case filings in 1979 when the two additional justices were authorized increased dramatically to 1987 when the two additional justices were continued and from 1987 to 1994 the case load again had a large increase.

The present case load for each of the seven justices on the Court today is virtually identical to the case load in 1979 -- when the Court had five justices -- 1979 approximately 96 cases for each of the five -- 1994, 91 cases for each of the seven justices.

The only way the Court presently can keep even with the cases filed each year is to conference and process cases each Tuesday and Thursday every week of the year and . . . during every work day of the year work diligently to prepare for cases in process.

Loss of two justices would certainly result in delay at the Court in processing cases -- a delay increase of at least one-third.

Art. II, Sec. 16, of the Constitution of Montana provides . . . Courts of justice shall be open to every person and speedy remedy afforded . . . .

Failure to meet this constitutional guarantee would be a failure of justice and a form of rationing of justice -- a result totally unacceptable to the people of Montana.

Delay in resolving litigation is costly -- adds public expense, expense to the litigants, and -- a cost not measured by dollars -- the human stress that clouds the lives of all litigants.

If a party in a lawsuit has been awarded compensation for injuries, they should not be required to wait intolerable lengths of time while the appellate process operates; likewise, if a party is found to be liable for an injury, interest runs at 10 percent per

EXHIBIT 1
DATE 1-19-95
SB 6

annum on the amount of damages until the appellate process is completed and the damages then determined and paid.

In the social area of the law, such matters as child custody, placement of children in foster homes, and adoption matters should never be delayed and the lives of those involved thereby thrown into turmoil.

There are literally hundreds of other examples where delay is unacceptable.

Sunset not needed -- at any time the legislature should find that the work load of the court does not require seven members -- the legislature can reduce the court to five.

What the legislature gives, it can take away.

EXHIBIT 2
DATE 1/19/95
SB 6

THE SUPREME COURT OF MONTANA

JAMES C. NELSON
JUSTICE

JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5570

Testimony in Support, Senate Bill No. 6
Honorable James C. Nelson
Justice, Montana Supreme Court

January 19, 1995

Mr. Chairman and Members of the Committee:

I speak for the entire Montana Supreme Court in offering my unqualified support for Senate Bill No. 6 which, if enacted, will retain the seven member Court and make seats 5 and 6 permanent seats. In doing so, I do not wish to appear disingenuous; I presently hold seat 5, and would, of course, forfeit my position on the Court if the 1995 Legislature fails to retain the seats.

Notwithstanding my personal interest in this legislation, I am, however, more concerned about the adverse effects on the operations of the Court and on the administration of justice in this State if the two seats are not retained.

In 1979, the year that the legislature enacted the law that added seats 5 and 6, there were 481 filings in the Court and 323 opinions issued. With five members on the Court that averaged 96 cases and 64.6 opinions per justice per year. [1]

In 1981, the first year of the seven member Court, there were 574 filings and 298 opinions issued, averaging 82 filings and 42.6 opinions per justice.

In 1987, the year that the legislature extended the sunset for seats 5 and 6, there were 571 filings, again averaging 82 per justice.

In 1993, there were 659 filings or an average of 94 per justice and 437 opinions issued or 62.4 per justice. That is slightly more than one opinion per justice per week.

---

[1] Statistical information in the following five paragraphs was obtained from the Annual Judicial Reports for the years in question and from information in the Supreme Court Administrator's Office.

In 1994, there were 634 filings or 91 per justice and 368 opinions issued or 53 per justice, again slightly more than one opinion per justice per week.

From those numbers it is obvious that the Supreme Court, with seven members, is now dealing with nearly the same volume of cases per justice as that which necessitated **adding** two seats to the Court in 1979. It is also obvious that the total number of filings and opinions and the average of each per justice has and continues to trend upward. There is no reason to believe that the trend will reverse itself; to the contrary, there is every reason to believe that the trend will, in all likelihood, continue with an ever increasing caseload being imposed on the members of Montana's only appellate Court.

That brings me to my greatest concern. Article II, Section 16 of our Montana Constitution guarantees to the people of this State that,

> [c]ourts of justice shall be open to every person, and **speedy** remedy afforded for every injury of person, property, or character. . . . Right and justice shall be administered without sale, denial, **or delay**. (Emphasis added).

I doubt that anyone would seriously argue that there is no limit to the number of cases that each member of the Court can reasonably deal with and still produce quality work product. I respectfully submit that the Court, as it was in 1979, is about at that limit now. I believe that, presently, we are efficiently processing an ever increasing case load and are issuing timely, accurate and well-reasoned opinions.

If the seven member Court is not retained, however, that will not continue to be the case. One or another aspect of the Court's operations is going to suffer, either in terms of the quality or the timeliness of our work product. Since I do not believe that the members of the Court will countenance turning out shoddy work, the result of not retaining the two seats will most assuredly be substantial delays in issuing orders and opinions and, perhaps, summary disposition of cases that, otherwise, might deserve more thorough review.

Based on 1993 filings and opinions, if those were being handled by a five member court, that would average 132 filings and 87 opinions per justice. That, quite simply, is too much.

Reducing the seven member Court to five members will increase the time that cases are on appeal by at least 33%; will delay the

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SB6

collection of judgments by litigants; will increase the amount of interest accruing on judgments; will seriously delay the resolution of criminal cases, domestic relations actions and child custody matters; and will deny litigants in Montana their right guaranteed by Article II, Section 16 of our Constitution. That, quite simply, is not acceptable.

Accordingly, it is with those facts and concerns in mind that I urge this Committee to favorably consider Senate Bill No. 6 and to make permanent seats 5 and 6.

Thank you for this opportunity to address this Committee and to express my thoughts on this subject.

Respectfully,

James C. Nelson
Justice

TESTIMONY IN SUPPORT OF SENATE BILL NO. 6

Hon. James C. Nelson
Justice, Montana Supreme Court
January 19, 1995

RETENTION OF THE 7 MEMBER SUPREME COURT

Article VII, §3 of the 1972 Constitution provides the basic organization of the Supreme Court:

> "The supreme court consists of one chief justice and four associate justices, but the legislature may increase the number of justices from four to six. ..."

The 1979 legislature enacted legislation [§2 Ch. 683, L. 1979] which increased the number of associate justices to 6. Those justices were first elected in 1980 and took office in 1981. The legislation -- codified as § 3-2-101 -- was to automatically terminate or sunset on the first Monday in January 1989, at which time the number of associate justices would revert to 4. [§5 Ch. 683, L. 1979].

In 1987 the legislature enacted legislation to amend the 1979 law [§1, Ch. 362, L. 1987] to extend the sunset provision to the first Monday in 1997 -- January 6, 1997.

Thus, unless the legislature in the 1995 session again extends the sunset or makes the two seats permanent altogether, the court will lose seats 5 and 6 on January 6, 1997, and the court will, again, become a 5 member court consisting of one chief justice and 4 associate justices.

Historic statistics indicate that the workload of the Court has increased steadily from the time that the two seats were added to the Court to the present day.

Year	New Filings /Average per Justice	Opinions Issued	
1979	481 /96 p/j	323	year legislation enacted
1981	574 /82 p/j	298	1st year of 7 member ct.
1987	571 /82 p/j		1st sunset extended
1992	627 /90 p/j	340	

EXHIBIT 2
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SB 6

1993	659 /94 p/j	437[1]	
1994	634 /91 p/j	368	most recent year

As can be seen, the workload of the Court, on a case-per-judge basis, has steadily risen from 1979 to the point where, today, each of the seven justices is handling about the same number of cases that necessitated **adding** two seats to the Court in the first place. There is no indication that the numbers of cases and filings will decrease in future years.

Moreover, if we use 1993 figures, and, pro forma, assume those had been handled by a five member court, the average number of cases per justice per year would be approximately 132. That averages out to be 28% more filings per justice than when the 7 member court legislation was originally enacted in 1979.

The effect of reducing the 7 member Court to 5 members would be to increase the time that cases are on appeal by at least 33%; would delay the collection of judgments by litigants; would increase the amount of interest accruing on judgments; would seriously delay the resolution of criminal cases, domestic relations actions and child custody matters; and would deny litigants in Montana their right guaranteed by Article II, § 16 of our Constitution to a

> "... speedy remedy ... for every injury of person, property, or character ... [to] full legal redress ... [and to] [r]ight and justice ... administered without ... delay."

On behalf of the members of the Montana Supreme Court, I respectfully urge your favorable consideration of Senate Bill No. 6.

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[1]Please note attached statistical breakdowns from the 1993 Judicial Report and from information compiled by the Supreme Court Administrator's Office.

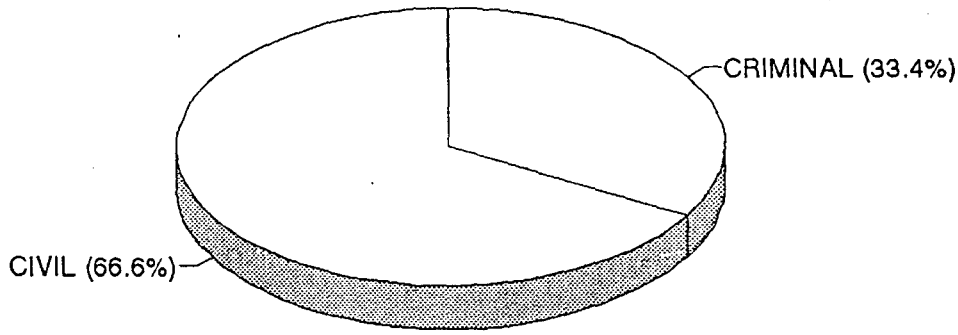
1993 SUPREME COURT CASELOAD STATISTICS

1.	Filings carried over from Calendar Year 1992	450
2.	New Filings in 1993	659
	Civil	439
	Criminal	220
3.	Dispositions in 1993	618
	By Remittitur	398
	By Dismissal	103
	Writ Denied	106
	Writ Granted	11
4.	Cases Pending as of December 31, 1993	433
5.	Formal Opinions Issued	437
	Affirmed	271
	Reversed	17
	Affirmed in part/Reversed in part	39
	Reversed and Remanded	76
	Revised	0
	Other	34

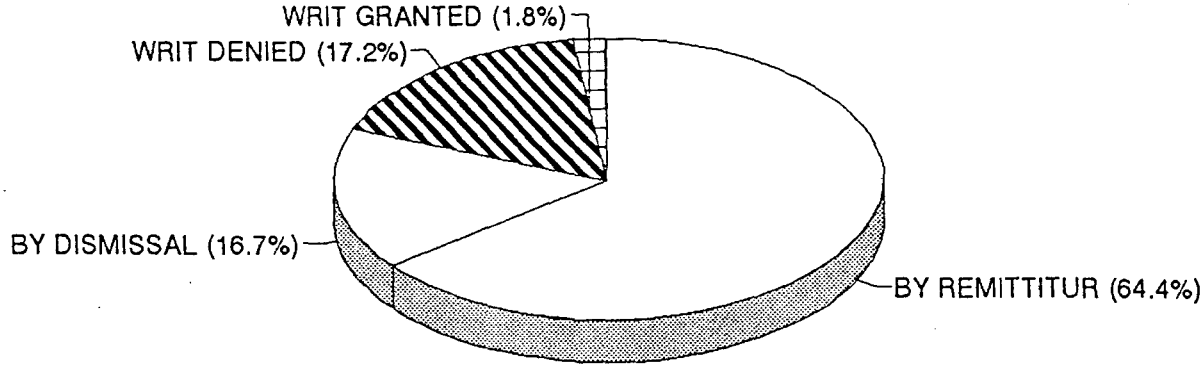
EXHIBIT 2
DATE 1-19-95
SB 6

SUPREME COURT CASELOAD STATISTICS

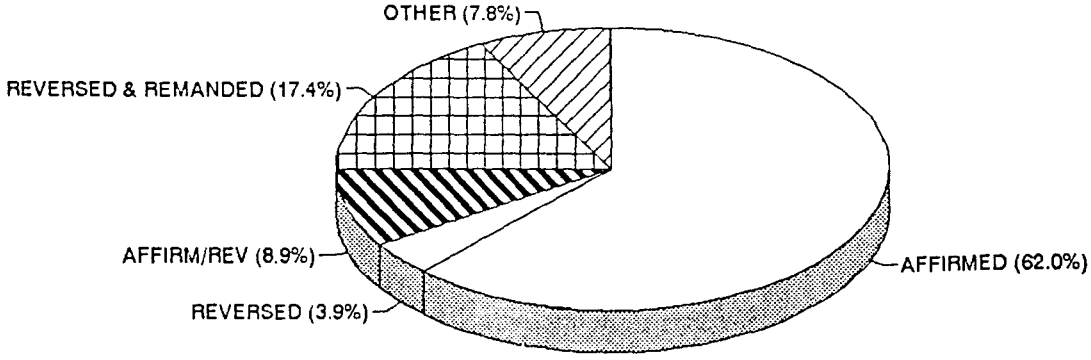
FY 93 CASE TYPE FILINGS

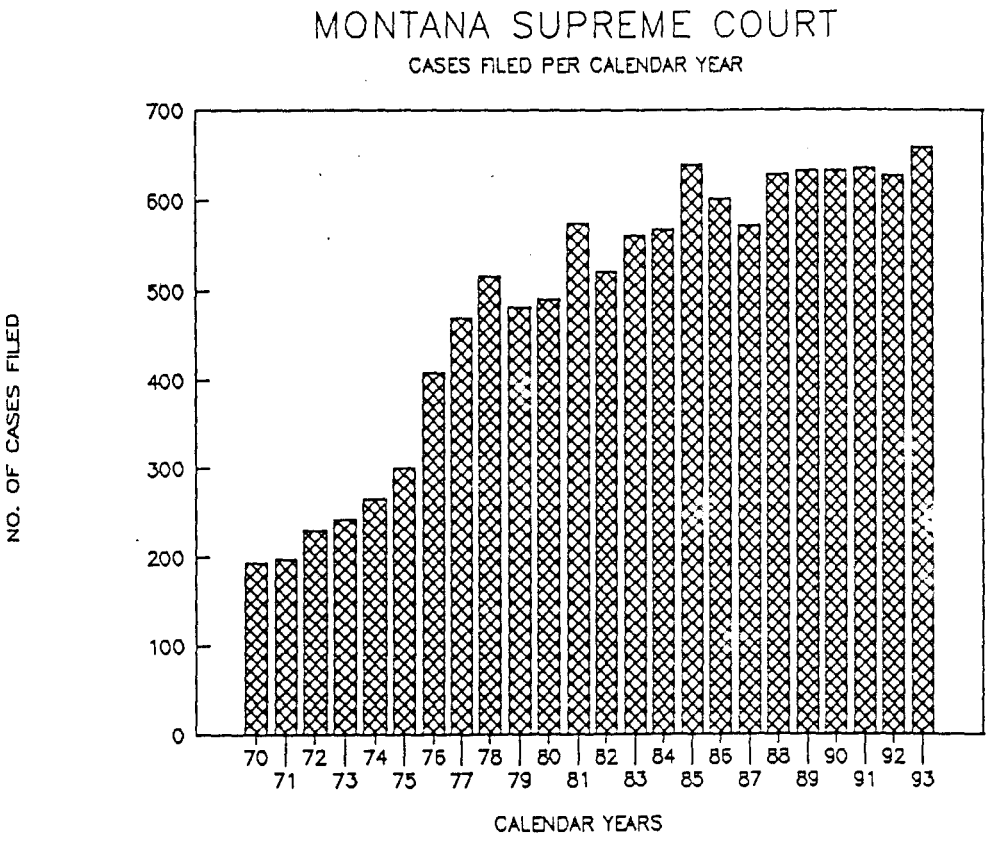


FY 93 DISPOSITIONS



FY 93 FORMAL OPINIONS ISSUED




MONTANA SUPREME COURT
CASES FILED PER CALENDAR YEAR
NO. OF CASES FILED
700
600
500
400
300
200
100
0
70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93
CALENDAR YEARS

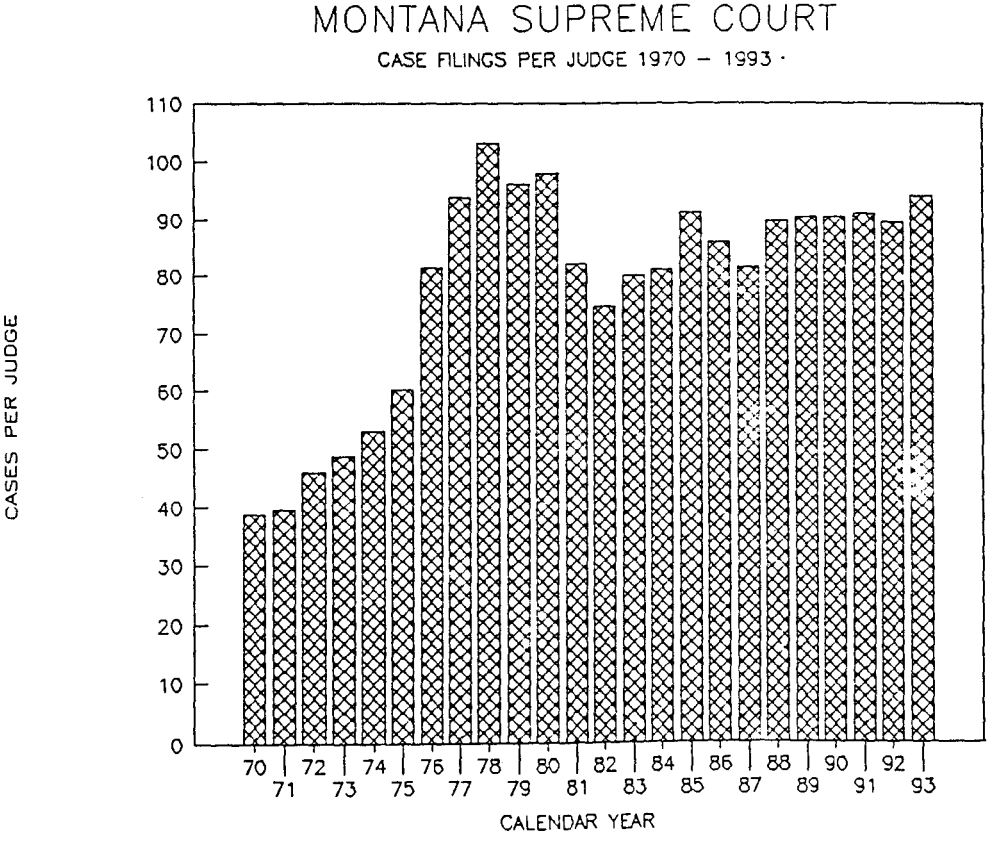

MONTANA SUPREME COURT
CASE FILINGS PER JUDGE 1970 – 1993
CASES PER JUDGE
110
100
90
80
70
60
50
40
30
20
10
0
70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93
CALENDAR YEAR

EXHIBIT 2
DATE 1-19-95
SB 6

MONTANA SUPREME COURT CASELOAD

YEAR	TOTAL FILINGS	CASE PER JUDGE
1970	194	39
1971	198	40
1972	230	46
1973	243	49
1974	265	53
1975	301	60
1976	408	82
1977	469	94
1978	516	103
1979	481	96
1980	490	98
1981	574	82
1982	522	75
1983	561	80
1984	567	81
1985	639	91
1986	602	86
1987	571	82
1988	628	90
1989	633	90
1990	633	90
1991	636	91
1992	627	90
1993	659	94
1994	624	91

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY COMMITTEE DATE 1/19/95

BILL NO. SB 6 SPONSOR(S) Sen. Crippen

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Jim Rice, Helena	TUFC	✓	
Gordon Morris	MACo	✓	
GEORGE BOUSLIMAN	STATE BAR OF MT	✓	
Jacqueline Lenmark	State Bar of MT	✓	
JOHN COHLER	MT County Attorneys Assn	✓	
J. A. Turnage	Chief Justice	✓	
Stuart L Kellner	Mont. Defense Trial Lawyers	✓	
JAMES C NELSON	JUSTICE MT S. CT	✓	
JEROME ANDERSON	STATE BAR OF MT.	✓	
Karla M. Gray	Mt. S. Ct	✓	
Chris Tweeten	Attorney General	✓	
J.P. GOAN	Supreme Court	✓	
Bob Gilbert	MT MAGISTRATES ASSN	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
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CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY COMMITTEE DATE 1/19/95

BILL NO. SB6 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Russell Hill	MTLA	SB6	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
wp:vissbcom.man
CS-14